

G444JonC

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

16 CR 19 (PGG)

5 MAALIK ALIM JONES,

6 Defendant.

7 -----x  
8 New York, N.Y.  
9 April 4, 2016  
10 11:45 a.m.

11 Before:

12 HON. PAUL G. GARDEPHE,

13 District Judge  
14

15 APPEARANCES

16 PREET BHARARA

17 United States Attorney for the  
18 Southern District of New York

19 ANDREW J. DEFILIPPIS

20 SEAN BUCKLEY

21 Assistant United States Attorneys

22 SEAN MAHER

23 Attorney for Defendant  
24

25 ALSO PRESENT: BRENDAN MOONEY, FBI

G444JonC

(In open court; case called)

THE COURT: Good morning.

Mr. Maher was appointed to replace Irving Cohen. He has only been in the case for a few weeks.

Mr. Maher, do you know at this point what the future of the case is going to be? Are there going to be any pretrial motions? Have you had time to review discovery? What is your status?

MR. MAHER: I just received fairly recently discovery from the government. We had to go through a protective order process, which your Honor knows about. Once that was completed, now five CDs of discovery have been provided to me. There has been a little technical issue with a few of them, but I think that is being resolved now. I'm just starting to review this information. My client has not begun to review it yet. I have spoken with the government. At this point, it would be appropriate for me to ask for 90 days to review this, review it with my client, continue discussions with the government. I think at that point we will all be in a position to set any motions or trial schedules, if that's appropriate at that time.

THE COURT: All right. Mr. DeFilippis or Mr. Buckley, can you give me a sense of what's on the CDs?

MR. DeFILIPPIS: Yes, your Honor. The CDs consist largely of videos that were collected that have been produced

G444JonC

1 to defense counsel, some involving the defendant, some not  
2 involving the defendant. It also consists of toll records,  
3 summaries of statements made by the defendant, FBI reports,  
4 Miranda form. The bulk of the data, though, are the videos  
5 that were produced in the discovery.

6 THE COURT: Have arrangements been made so that the  
7 defendant can review these materials?

8 MR. DeFILIPPIS: Your Honor, we are providing to  
9 defense counsel multiple copies of the CDs so that he can get  
10 it to the defendant. Obviously, we're happy to assist him any  
11 whatever way we can if there's a problem.

12 THE COURT: Mr. Maher, if you encounter any  
13 difficulties in having your client review the discovery, let me  
14 know. I don't want that to hold up the case.

15 MR. MAHER: Thank you. I will do that. I find it's a  
16 case-by-case basis sometimes with the Bureau of Prisons, and  
17 Mr. Jones is on 10 South, so that tends to make it difficult  
18 with video type of evidence.

19 I would just like to confirm that I have had  
20 discussions with the government, and the government I believe  
21 is of the position that this is the Rule 16 discovery that is  
22 complete at this point except for maybe some additional videos.  
23 I would just like to confirm that.

24 THE COURT: Is there anything else?

25 MR. DeFILIPPIS: That's right, your Honor. This is

G444JonC

1 all the Rule 16 discovery we have at this time. We may  
2 identify additional videos, which we will produce to defense  
3 counsel if we decide to use any at trial. We have also  
4 conducted a review to determine whether there's any classified  
5 discovery to produce at this time. We have determined that  
6 there is not, with the caveat -- and we informed defense  
7 counsel -- we intend to file a Classified Information  
8 Procedures Act motion under Section 4, and we would propose,  
9 with your Honor's permission, to do that by the July 6th  
10 conference date.

11 THE COURT: Okay. So Mr. Mayer, 90 days would bring  
12 us to July 6th. I'm going to put that on for the conference at  
13 10:00 a.m. on July 6th. I will expect you to tell me at that  
14 time whether there are going to be any motions in the case and,  
15 also, what your sense is as to whether the case is going to  
16 proceed to trial or whether there is going to be a disposition.

17 Does the government wish me to exclude time between  
18 now and July 6th?

19 MR. DeFILIPPIS: Yes, your Honor, so that the  
20 defendant and his counsel can review discovery.

21 THE COURT: Any objection, Mr. Maher?

22 MR. MAHER: No.

23 THE COURT: All right. Then, I will exclude time  
24 between today and July 6, 2016, under the Speedy Trial Act,  
25 pursuant to Title 18, United States Code, Section 3161(h)(7)(A)

G444JonC

1 to permit Mr. Maher and his client to review the discovery  
2 materials provided by the government and determine whether  
3 there will be any pretrial motions in this case. I do find  
4 that the ends of justice served by the granting of this  
5 continuance outweigh the best interests of the public and the  
6 defendant in a speedy trial.

7 Is there anything else?

8 MR. DeFILIPPIS: Not from the government, your Honor.

9 MR. MAHER: No.

10 (Adjourned)